

Appln. No. 10/643,504  
Amendment dated March 28, 2005  
Reply to Office Action of December 28, 2004

## **REMARKS**

### **Introduction**

Claims 1-31 are pending in the present application. Claims 5-7, 9, 10, 14, and 24 stand objected to for certain informalities. Claim 5 stands rejected under 35 U.S.C § 112, second paragraph, as being indefinite due to a lack of proper antecedent basis. Claims 1-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending U.S. Patent Application No. 10/638,921, which is under examination and has not yet been allowed. Claims 24-30 stand rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent Application No. 6,424,845 to Emmoft. Claims 1-6, 9, 10-20, 22, 23 and 31 stand rejected under 35 U.S.C § 103(a) as being unpatentable over the hypothetical combination of Emmoft and U.S. Patent Application No. 6,315,207 to Eisele. Claims 7, 8, and 21 stand rejected under 35 U.S.C § 103(a) as being unpatentable over the hypothetical combination of Emmoft, Eisele, and U.S. Patent Application No. 6,125,192 to Bjorn et al. In the present Amendment, claims 1, 5-7, 9, 10, 11, 14, 24, and 31 have been amended. Accordingly, claims 1-31 are pending in the application. Claims 1, 5, 24, and 31 are independent.

### **Objections to the Claims**

Claims 5-7, 9, 10, 14, and 24 stand objected to for certain informalities. By the present amendment, claims 5-7, 9, 10, 14, and 24 have been amended to attend to these informalities. Claim 11 has also been amended for formalistic reasons, and not to overcome any

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claim objections or rejections. Accordingly, Applicants respectfully request that the objections to claims 5-7, 9, 10, 14, and 24 be withdrawn.

**Rejection Under 35 U.S.C § 112, Second Paragraph**

Claim 5 stands rejected under 35 U.S.C § 112, second paragraph, as being indefinite due to a lack of proper antecedent basis for the term "sleeve." By the present amendment, claim 5 has been amended to substitute the term "receptacle" for the term "sleeve," and thereby attend to the antecedent basis of the claim terms. Accordingly, Applicant submits that the rejection based on under 35 U.S.C § 112, second paragraph, has been overcome, and Applicant respectfully requests that the rejection to claim 5 under 35 U.S.C § 112, second paragraph, be withdrawn.

**Non-Statutory Double Patenting Rejections**

Claims 1-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending U.S. Patent Application No. 10/638,921, which is under examination and has not yet been allowed.

Applicant acknowledges the provisional non-statutory double patenting rejections set forth in the Office Action. By this Amendment, Applicant addresses the other rejections and objections set forth in the Office Action. Applicant respectfully submits that, due to the provisional nature of the non-statutory double patenting rejections, the provisional non-statutory double patenting rejections will be addressed at a later date, as necessary.

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**Rejections Under 35 U.S.C § 102(b)**

Claims 24-30 stand rejected under 35 U.S.C § 102(b) as being anticipated by U.S Patent Application No. 6,424,845 to Emmoft.

Emmoft is directed to a portable communication device that can receive one or more smart cards. Emmoft describes the communication device having two receiving slots for receiving two separate smart cards. Via a wireless electronic transaction, funds can be transferred from a bank, to the portable communication device, and then to a designated one of the smart cards. Emmoft describes that smart cards could be used for performing financial transactions such as purchasing goods in a store. Emmoft also describes that the portable communication device can include a fingerprint sensor, which could be used to authenticate the user of the smart cards by comparing fingerprint data with data stored at the communication device. If the user is authorized, communications with a remote location can take place.

Claim 24, as amended, of the present application, is directed to a method of using an intelligent ID card holder to authenticate a user of an intelligent ID card. The claim recites inserting an intelligent ID card into the ID card holder, sensing a feature of the user, transmitting the sensed feature to a remote computer located remote to the ID card holder, and comparing the sensed feature to a stored image of the user's feature. The stored image is stored at the remote computer. The claim further recites authenticating the user, and acting on the authentication.

Applicant respectfully submits that Emmoft does not describe all of the features claimed by claim 24, as amended, of the present application. For example, claim 24 recites sensing a feature of the user, transmitting the sensed feature to a remote computer located remote to the ID card holder, and comparing the sensed feature to a stored image of the user's feature,

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the stored image being stored at the remote computer. As recited by claim 24 of the present application, a feature (e.g., a fingerprint) is sensed at the ID card holder, and transmitted to a remote computer where the sensed feature is compared to a stored feature at the remote computer.

In stark contrast, Emmoft only describes an authorized image being stored on the transaction processor (communication device). See Emmoft at col. 2, lns. 61-67. Emmoft does not describe an image or feature being transmitted to a remote computer where the sensed feature is compared to a stored feature at the remote computer. In addition, because Emmoft is primarily directed to be used with financial transactions, and not as a building security ID device, Emmoft does not suggest or provide motivation for a system whereby features are stored remotely and a comparison between sensed and stored features is made at a remote location.

As stated in the Specification of present application, as filed, at page 13, lns. 19-21, an "advantage of an external comparison is that if the sensed feature does not match the stored feature for that card, the external computer can then attempt to identify the individual using other stored features on one or more databases external to the holder." The financial system of Emmoft does not describe such a feature, and does not suggest or provide motivation for such a feature.

Accordingly, Applicant submits that claim 24, as amended, of the present application is patentable over Emmoft, and withdrawal of the rejection to that claim under 35 U.S.C § 102(b) is respectfully requested.

Claims 25-30 depend from claim 24. Accordingly, Applicant submits that claims 25-30 of the present application are patentable over Emmoft, at least for the reasons stated above

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with respect to the rejection of claim 24, and withdrawal of the rejections to those claims under 35 U.S.C § 102(b) is respectfully requested.

**Rejections Under 35 U.S.C § 103(a)**

Claims 1-6, 9, 10-20, 22, 23 and 31 stand rejected under 35 U.S.C § 103(a) as being unpatentable over the hypothetical combination of Emmoft and U.S Patent Application No. 6,315,207 to Eisele.

Applicant respectfully submits that the proposed hypothetical Emmoft-Eisele combination does not describe all of the features claimed by claim 1, as amended, of the present application. For example, claim 1, which is directed to an intelligent ID card holder for an intelligent ID card, recites, *inter alia*, a receptacle for receiving the intelligent ID card, the receptacle electrically communicating with the intelligent ID card by contacts or RF antenna, the receptacle including a cut away section for viewing substantially all of a side of the ID card.

As conceded in the Office Action, Emmoft does not describe a cut away section for viewing an ID card. Eisele does not cure this deficiency.

Eisele describes a smart diskette adapter for receiving a smart diskette. In turn, Eisele further describes a smart diskette capable of receiving a smart card. Eisele describes that the smart diskette adapter could be used to store information, such as a spread sheet, perpetual calendar, or a telephone directory on a smart card. As described by Eisele, the stored data could be communicated to a personal computer. Eisele also describes the smart diskette having a cut-out 704 for facilitating grasping the card. See Eisele at FIG. 7a, and col. 10, lns. 61-62.

While Eisele describes a small thumb-shaped cut out for facilitating insertion of a smart card, such an insertion facilitator would not provide a view of substantially all of a side of

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a smart card. In addition, Eisele does not provide motivation for a cut away for viewing the side of a card, as the cut away of Eisele is only shown, described, and dimensioned for facilitating insertion of a card. In addition, because Eisele describes a card to be used primarily as a remote and auxiliary data storage device, Eisele does not suggest or provide motivation for a cut away for viewing substantially all of a face of the ID card, because Eisele is not designed or intended for use as an ID card.

In contrast, as described in the Specification of the present application, the cut away of the present application:

permits unobstructed viewing of names, numbers, symbols, and/or photographs printed on the intelligent ID card. FIG. 11 shows an exemplary embodiment of an intelligent ID card holder...[t]he card is supported in the holder by rails 1205. The viewing area of the card can be left open, or can be covered by a transparent material such as a clear plastic window.

Present Application, page 12, lns. 3-8. As can be seen in FIG. 11 of the present application, substantially all of a side of an ID card can be viewed by way of an embodiment of the claimed ID card holder. Because the claimed ID card of the present application is contemplated and described as being used as an ID card, an unobstructed view of a side of the card is beneficial to the performance of the ID function. Such a need would be less relevant to the data storage system of Eisele.

Accordingly, Applicant submits that claim 1, as amended, of the present application is patentable over the hypothetical combination of Emmoft and Eisele, and withdrawal of the rejection to that claim under 35 U.S.C § 103(a) is respectfully requested.

Independent claims 5 and 31 have been amended to recite features similar to those discussed above with respect to claim 1. For example, claim 5 recites "a receptacle including

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two major surfaces with an opening formed between the two surfaces to accept the intelligent ID card into the receptacle, wherein one of the surfaces has a cutaway section for viewing substantially all of a side of the ID card,” and claim 31 recites “the receptacle including a cut away section for viewing substantially all of a side of the ID card.” Accordingly, Applicant submits that independent claims 5 and 31 of the present application are patentable over the hypothetical combination of Emmoft and Eisele, at least for the reasons stated above with respect to the rejection to claim 1, and withdrawal of the rejection to that claim under 35 U.S.C. § 103(a) is respectfully requested.

Dependent claims 2-4, 6, 9, 10-20, 22, and 23 each ultimately depend from one of claims 1 and 5. Accordingly, Applicant submits that claims 2-4, 6, 9, 10-20, 22, and 23 of the present application are each patentable over the hypothetical combination of Emmoft and Eisele, at least for the reasons stated above with respect to the rejections to claims 1 and 5, and withdrawal of the rejection to claims 2-4, 6, 9, 10-20, 22, and 23 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 7, 8, and 21 stand rejected under 35 U.S.C § 103(a) as being unpatentable over the hypothetical combination of Emmoft, Eisele, and U.S Patent Application No. 6,125,192 to Bjorn et al.

Claims 7, 8, and 21 each ultimately depend from claim 5. Accordingly, Applicant submits that claims 7, 8, and 21 of the present application are patentable over the hypothetical Emmoft-Eisele combination, at least for the reasons stated above with respect to the rejection to claim 5. In addition, Bjorn does not cure the deficiencies of the hypothetical Emmoft-Eisele combination, as Bjorn does not describe an ID card holder comprising “a receptacle including

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two major surfaces with an opening formed between the two surfaces to accept the intelligent ID card into the receptacle, wherein one of the surfaces has a cutaway section for viewing substantially all of a side of the ID card."

Bjorn describes a fingerprint recognition system including a fingerprint sensing device that can be coupled to a computer system and used to authenticate users of the system. Bjorn describes a system wherein the effects of smudges on a fingerprint plate can be minimized via certain digital image processing techniques. Thus, Bjorn does not describe or provide motivation for the claimed ID card holder.

Accordingly, Applicant submits that claims 7, 8, and 21 of the present application are patentable over the hypothetical Emmoft-Eisele-Bjorn combination, at least for the reasons stated above with respect to the rejection to claim 5, and withdrawal of the rejection to that claim under 35 U.S.C. § 103(a) is respectfully requested.

Applicant respectfully submits that none of the cited references, either taken alone, or in any proposed hypothetical combination, teach, suggest, or provide motivation for any of the claimed inventions in the present application.

In view of the above remarks, an early allowance of the present application is respectfully requested.



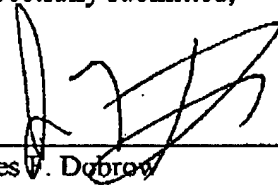
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**CONCLUSION**

No fees are believed to be due in connection with the present Amendment. If, however, a fee is deemed necessary for this Amendment to be entered and considered by the Examiner, then the Commissioner is authorized to charge such fee to Deposit Account No. 501358.

Applicant's undersigned attorney may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
\_\_\_\_\_  
James V. Dobrow  
Registration No. 46,666  
Attorney for Applicant

DOCKET ADMINISTRATOR  
LOWENSTEIN SANDLER PC  
65 Livingston Avenue  
Roseland, NJ 07068